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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/828,407	04/06/2001	Hiroaki Adachi	450100-03127	5169
20999	7590	08/10/2005	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			SHIBRU, HELEN	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/828,407

Applicant(s)

ADACHI ET AL.

Examiner

SHIBRU HELEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 06 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 April 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Drawings

1. The drawings are objected to because in figures 5 and 6 the word 'DISK DIVICE (30)' should be replaced by 'DISK DEVICE'. In fig. 8 'DESK READ-OUT OBJECT' should be replaced by 'DISK READ-OUT OBJECT' as well. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claim 4 is objected to because of the following informalities: In page 59 line 6 the word 'controlls' should be replaced by 'controls'. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-5, 7-12, and 14-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Matsui (US Pat. No. 6,674,955).

Regarding claim 1, Matsui discloses a device for video editing (see fig. 1) for use with a recording and playing device (see fig. 1 VTR (7), daily server (6), local storage (8), and computer (2)) allowing the recording and the playback of video material in order to perform non-linear editing on the video material (see col. 53 lines 28-30), comprising: frame processing (see fig. 1 processing unit (3)) for retrieving a video frame means that is a basic construction unit of the video material from said recording and playing device storing video material to be edited and for performing frame processing

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on the retrieved video frame (see col. 7 lines 6-10, 25-27, 37-41, the video and audio materials are retrieved from the daily server (6), the VTR (7), and from the local storage (8) in fig. 1);

frame storage (see fig. 1 VTR (7) and local storage (8)) means for storing a plurality of the video frames after all the frame processing by said frame processing means is completed (see col. 7 lines 31-36, and 47-52. The VTR (7) and the local storage (8) received the edited video and audio signals from the processing unit (3) and store them) and for sequentially outputting the plurality of video frames (see fig. 5 S31 (IN9) and S32 (IN10) and col. 14 lines 49-65, the processed video and audio signals are outputted in SDI (serial-digital- interface) format); and

control (editing apparatus (1) in fig. 1) means for controlling said frame processing means such that at least some types of frame processing by said frame processing means are performed in parallel and the video frames are output from said frame storage means in realtime (see col. 14 lines 31-33, col. 15 lines 29-50, the outputted video signals (OUT6 to OUT10 in fig. 5) are going to the image processing portion via the demultiplexer block (51). These signals are demultiplexed and send to a switcher block (52) where frame processing are performed, for e.g. Wipe generator (52B). See also col. 16 lines 41-65).

Regarding claim 2, Matsui discloses control means causes frame processing by said frame processing means to be performed in a non-realtime manner (see col. 8 lines 27-42) .

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Regarding claim 3, Matsui discloses frame processing means comprises at least at least one image processing 9 animation effect process or/and transition effect process, see col. 15 lines 32-39) means for performing predetermined image processing on individual video frames (see col. 8 line 58-col. 9 line 7, the operator determined the image processing, an animation effect process or a transition effect process);

first storage (see daily server (6) in fig. 1) means interposed between said recording and playing device and said frame processing means (see col. 7 lines 6-10, the daily server (6) stores materials from the broadcast station); and

second storage (frame memory 53B and 53C in fig. 6) means interposed between each of a plurality (52B, D, F and 53A and 53D in fig. 6) of said frame processing means (see col. 16 lines 10-40); and

said control (editing apparatus (1) in fig. 1) means controls said recording and playing device (see fig. 1 S9 and col. 32-37, the control signal is coming from the editing apparatus), said first (see control signals S5 and S6 in fig. 1 and col. 7 lines 11-14) and second storage (see S41 and S42 in fig. 6 and col. 16 lines 11-15 and 26-31) means, and each of (special effect block (53) and switcher block (52) in fig. 6) the frame processing means such that at least two types of exchange processing of video frames between said recording and playing device (see col. 15 line 62-col. 16 line 1 and col. 16 lines 34-40, control signals S41 and S42 controls the three-dimensional video converting process and the transition effect process to reproduce an edited video image retrieved from the recording device), said first storage means, said second storage

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means, and each of said frame processing means (the examiner rejected these limitations in the above lines), and image processing on video frames in each of said image processing means are performed in parallel, and further controls said frame storage means such that the plurality of video frames stored in said frame storage means in no special order are output in a predetermined order (see col. 14 lines 31-33, col. 15 lines 29-50, the outputted video signals (OUT6 to OUT10 in fig. 5) are going to the image processing portion via the demultiplexer block (51). These signals are demultiplexed and send to a switcher block (52) where frame processing is performed, for e.g. Wipe generator (52B). The operator determines the order of the output, see col. 8 line 58-col. 9 line 7).

Regarding claim 4, Matsui discloses input means for inputting an editing schedule along a time axis (see col. 8 line 58-col. 9 line 20 col. 26 lines 26-40, the operator inputs the desired schedule. See also col. 12 lines 59-65 for the types of effects the device is performing, and fig. 27 step (409) place effect and event on time line); and

said control (editing apparatus 1 in fig. 1) means creates processing management data representing a dependency relationship between the kind of frame processing performed on each video frame and each frame processing based on the editing schedule input through said input means (see col. 8 lines 37-42, col. 8 line 58-col. 9 line 7, col. 51 lines 40-48, the operator inputs the desired effect for the particular event i.e. creates the management data using the computer (2) in fig. 1 for the individual events),

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and controls said frame processing means to be executed based on said processing management data (see col. 9 lines 10-13).

Regarding claim 5, Matsui discloses control means: stores a plurality of said created processing management data (see fig. 2 editing processing unit (3), control signal S2 and video processor (22), col. 9 lines 59-62, col. 10 lines 46-67 the frame memory stores the management data); selects executable frame processing from said plurality of stored processing management data (see col. 11 lines 3-11); and control said frame processing means in order to execute said selected frame processing (see col. 11 lines 12-25).

Regarding claim 7, Matsui discloses a first image processing portion constructed by hardware (see col. 12 lines 46-50, 60-62, col. 53 lines 45-54, and fig. 6 wipe generator); and

a second image processing portion constructed by software (col. 12 lines 50-58, 62-65, col. 53 lines 45-54, and fig. 6 3D address generator).

Claim 8 is rejected for the same reason as described in claim 1 above.

Claim 9 is rejected for the same reason as described in claim 2 above.

Regarding claim 10, Matsui discloses first (daily server (6) in fig. 1) and second storage (frame memory (53B)) means which can store video frames are used (see col. 7 lines 9-10, col. 16 lines 4-53);

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said frame processing step comprises: at least one image processing step (see wipe generator in fig. 6) for performing predetermined image processing individual video frames (see col. 16 lines 11-15);

a first writing step for reading out video frames from said recording and playing device and then writing them in said first storage means (see col. 7 lines 6-17);

a first read-out step for reading out video frames from said first storage (see col. 7 lines 17-20) means and then providing them to any of image processing steps (see col. 7 lines 20-24);

a second writing step for reading out video frames processed at said frame processing step and then writing them in said second storage means (see col. 16 lines 26-45); and

a second read-out step for reading out video frames from said second storage means and then providing them in any of the image processing steps (see col. 16 lines 46-47 and 54-59), and

at least two types of frame processing performed at said first and second writing steps (see col. 16 lines 54-56) , said first and second read-out steps (3D generator), and said image processing steps are performed in parallel, and the plurality of the video frames stored at said frame storage step in no special order are output in a predetermined order at said frame output step (OUT6 to OUT10 in fig. 5) are going to the image processing portion via the demultiplexer block (51). These signals are demultiplexed and send to a switcher block (52) where frame processing is performed, for e.g. Wipe generator (52B). The operator determines the order of the out put, see col. 8 line 58-col. 9 line 7).

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Claim 11 is rejected for the same reason as described in claim 4 above.

Claim 12 is rejected for the same reason as described in claim 5 above.

Claim 14 is rejected for the same reason as described in claim 7 above.

Claim 15 is rejected for the same reason as described in claim 1 above.

Regarding claim 16, Matsui discloses a method for video editing for editing source recorded on a recording medium, comprising the video data steps of: playing said source video data in frames (see col. 10 lines 53-56 and col. 34 lines 16-30) and performing frame processing on said played frame video data (see col. 9 lines 37-44); storing the frame video data on which said frame processing is completely performed and outputting said stored frame video data as output video data (see col. 32 lines 26-31); and controlling said frame processing such that each frame of said output video data is realtime video data (see col. 30 lines 1-9).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 6 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsui.

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Regarding claim 6 although Matsui does not disclose control means defers execution of readout processing when said selected executable frame processing is processing for reading out a video frame from said recording and playing device, and selects a plurality of sequential video frames from video frames to be read out at the time when a plurality of said deferred-execution read-out processing are gathered and then reading out the plurality of selected video frames from said recording and playing device for storage in said first storage means, Matsui discloses image data stored in video random access memory are read out in accordance with the timing control signal (see col. 11 lines 20-26). Matsui further discloses images to be edited are read out from devices such as daily server (6) VTR (7) and local storage (8). (see col. 14 lines 7-18). Official notice is given that it is well known in the art that the output signals will defer during execution when signals are read from the above devices and when switch is incorporated. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a defer execution in order to output the signals suitable to the operation system of the device.

Claim 13 is rejected for the same reason as discussed in claim 6 above.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Abe (US Pat. No. 6,778,223) discloses a non-linear editor apparatus which uses both software and hardware.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHIBRU, HELEN whose telephone number is (571) 272-7329. The examiner can normally be reached on M-F, 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's primary, NGOC Y. VU can be reached on (571) 272-7320. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Helen Shibru
August 4, 2005



NGOC-YEN VU
PRIMARY EXAMINER